

PROPOSED AMENDMENTS TO CEQA GUIDELINES (Title 14, California Code of Regulations)

Revisions proposed in the August 22, 2003 text are marked as follows: additions are underlined; deletions are indicated by ~~strikeout~~.

New text revisions are marked as follows: additions are **bolded and underlined** and deletions are indicated by ~~**bolded strikeout**~~. The withdrawal of the proposed revisions to Section 15126.4(a) and Section 15206(c) are indicated in the proposed text by a statement to that effect.

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The following sections are withdrawn from the proposal: Section 15041, 15063, 15064.5, 15130, 15152, and 15183.

15023. Office of Planning and Research (OPR).

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(h) OPR shall establish and maintain a database for the collection, storage, retrieval, and dissemination of notices of exemption, notices of preparation, notices of determination, and notices of completion provided to the office. This database of notice information shall be available through the Internet.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080.4, 21083, 21086, 21087, 21108, 21159.9 and 21161, Public Resources Code.

15062. Notice of Exemption.

(a) When a public agency decides that a project is exempt from CEQA and the public agency approves or determines to carry out the project, the agency may file a Notice of Exemption. The notice shall be filed, if at all, after approval of the project. Such a notice shall include:

(1) A brief description of the project,

(2) The location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name).

(23) A finding that the project is exempt from CEQA, including a citation to the State Guidelines section or statute under which it is found to be exempt, and

(34) A brief statement of reasons to support the finding.

(b) A Notice of Exemption may be filled out and may accompany the project application through the approval process. The notice shall not be filed with the county clerk or the OPR until the project has been approved.

(c) When a public agency approves an applicant's project, either the agency or the applicant may file a Notice of Exemption.

(1) When a state agency files this notice, the notice of exemption ~~is~~ shall be filed with OPR. A form for this notice is provided in Appendix E. A list of all such notices shall be posted on a weekly basis at the Office of Planning and Research, 1400 Tenth Street, Sacramento, California. The list shall remain posted for at least 30 days.

(2) When a local agency files this notice, the notice of exemption ~~is~~ shall be filed with the county clerk of each county in which the project will be located. Copies of all such notices shall be available for public inspection and such notices shall be posted within 24 hours of receipt in the office of the county clerk. Each notice shall remain posted for a period of 30 days. Thereafter, the clerk shall return the notice to the local agency with a notation of the period it was posted. The local agency shall retain the notice for not less than 9 months.

(3) All public agencies are encouraged to make postings pursuant to this section available in electronic format on the Internet. Such electronic postings are in addition to the procedures required by these guidelines and the Public Resources Code.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21108 and 21152, Public Resources Code.

15064. Determining the Significance of the Environmental Effects Caused by a Project.

15064

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(h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are ~~considerable~~ significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. **"Probable future projects" are defined in Section 15130.**

(2) A lead agency may determine in an initial study that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a mitigated negative declaration, the initial study shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable.

(3) A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.

(4) The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21003, 21065, 21068, 21080, 21082, 21082.1, 21082.2, 21083 and 21100, Public Resources Code; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; *San Joaquin Raptor/Wildlife Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112; and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.

15065. Mandatory Findings of Significance.

(a) A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:

(1)(a) The project has the potential to: substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.

(2)(b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(3)(c) The project has possible environmental effects ~~which~~ that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant ~~considerable~~ when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects **as defined in Section 15130.**

(4)(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

(b)(1) Where, prior to the commencement of preliminary review of an environmental document, a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment specified by subsection (a) or would mitigate the significant effect to a point where clearly no significant effect on the environment would occur, a lead agency need not prepare an environmental impact report solely because, without mitigation, the environmental effects at issue would have been significant.

(2) Furthermore, where a proposed project has the potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species, the lead agency need not prepare an EIR solely because of such an effect, if:

(A) the project proponent is bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan or natural community conservation plan;

(B) the state or federal agency approved the habitat conservation plan or natural community conservation plan in reliance on an environmental impact report or environmental impact statement; and

(C) 1. such requirements avoid any net loss of habitat ~~or~~ **and** net reduction in number of the affected species, or

2. such requirements preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat ~~or~~ **and** number of the affected species to below a level of significance.

(c) Following the decision to prepare an EIR, if a lead agency determines that any of the conditions specified by subsection (a) will occur, such a determination shall apply to:

(1) the identification of effects to be analyzed in depth in the environmental impact report or the functional equivalent thereof,

(2) the requirement to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment,

(3) when found to be feasible, the making of changes in the project to substantially lessen or avoid the significant effects on the environment, and

(4) where necessary, the requirement to adopt a statement of overriding considerations.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21001(c), 21082.2, and 21083, Public Resources Code; ~~and~~ *San Joaquin Raptor/Wildlife Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608; *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1024; and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.

15075. Notice of Determination on a Project for Which a Proposed Negative or Mitigated Negative Declaration Has Been Approved.

(a) ~~After deciding to carry out or approve a project for which a negative declaration or mitigated negative declaration has been approved,~~ The lead agency shall file a notice of determination within five working days after deciding to carry out or approve the project ~~by the public agency~~. For projects with more than one phases, the lead agency shall file a notice of determination ~~after deciding to carry out or approve each phase for each phase requiring a discretionary approval~~.

(b) The notice of determination ~~must~~ shall include:

(1) An identification of the project including ~~its common name where possible,~~ the project title as identified on the ~~draftproposed~~ negative declaration, and its location, ~~and the State Clearinghouse identification number for the draftproposed negative declaration if the notice of determination is filed with the State Clearinghouse.~~

(2) A brief description of the project.

(3) The agency's name and the date on which the agency approved the project.

(4) The determination of the agency that the project will not have a significant effect on the environment.

(5) A statement that a negative declaration or a mitigated negative declaration ~~has been prepared~~ was adopted pursuant to the provisions of CEQA.

(6) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.

~~(6)~~ (7) The address where a copy of the negative declaration or mitigated negative declaration may be examined.

(c) If the lead agency is a state agency, the lead agency shall file the notice of determination with OPR within five working days after approval of the project by the lead agency.

(d) If the lead agency is a local agency, the local lead agency shall file the notice of determination with the county clerk of the county or counties in which the project will be located, within five working days after approval of the project by the lead agency. If the project requires a discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with OPR.

(e) All notices of determination filed with the county clerk ~~shall be~~ is filed pursuant to this section shall be available for public inspection and shall be posted by the county clerk within 24 hours of receipt. ~~Each notice shall remain posted for a period of at least 30 days. Thereafter, the clerk shall return the notice to the local lead agency with a notation of the period during which it was posted. The local lead agency shall retain the notice for not less than 9 months. The filing of the notice of determination and the posting on a list of such notices starts a 30-day statute of limitations on court challenges to the approval under CEQA.~~

(f) A notice of determination filed with OPR ~~is~~ shall be available for public inspection and shall be posted for a period of at least 30 days

(g) The filing of the notice of determination pursuant to subsection (c) above for state agencies and the filing and posting of such the notice of determination pursuant to subsections (d) and (e) above for local agencies, starts a 30-day statute of limitations on court challenges to the approval under CEQA.

(fh) A sample notice of determination is provided in Appendix D. Each public agency may devise its own form, but the minimum content requirements of subsection (b) above shall be met.

Public agencies are encouraged to make copies of all notices filed pursuant to this section available in electronic format on the Internet. Such electronic notices are in addition to the posting requirements of these guidelines and the Public Resources Code.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080(c), 21108(a) and (c), 21152(a) and (c) and 21167(b), Public Resources Code; *Citizens of Lake Murray Area Association v. City Council* (1982) 129 Cal. App. 3d 436.

15082. Notice of Preparation and Determination of Scope of EIR.

(a) Notice of Preparation. Immediately after deciding that an environmental impact report is required for a project, the lead agency shall send to the State Clearinghouse and each responsible and trustee agency a notice of preparation stating that an environmental impact report will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project ~~and to each trustee agency responsible for natural resources affected by the project.~~

(1) The notice of preparation shall provide the responsible agencies with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response. At a minimum, the information shall include:

(A) Description of the project,

(B) Location of the project ~~indicated either on an attached map (either by street address and cross street, for a project in an urbanized area, or by attaching a specific map,~~ preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name, ~~or by a street address or nearest cross street in an urbanized area),~~ and

(C) Probable environmental effects of the project.

(2) A sample for a notice of preparation is shown in Appendix I. Public agencies are free to devise their own formats for this notice. A copy of the initial study may be sent with the notice to supply the necessary information.

(3) To send copies of the notice of preparation, the lead agency shall use either certified mail or any other method of transmittal ~~that~~ which provides it with a record that the notice was received.

(4) The lead agency may begin work on the draft EIR immediately without awaiting responses to the notice of preparation. The draft EIR in preparation may need to be revised or expanded to conform to responses to the notice of preparation. A lead agency shall not circulate a draft EIR for public review before the time period for responses to the notice of preparation has expired.

(b) Response to Notice of Preparation. Within 30 days after receiving the notice of preparation under subsection (a), each responsible and trustee agency and the State Clearinghouse shall provide the lead agency with specific detail about the scope and content of the environmental information related to the responsible or trustee agency's area of statutory responsibility ~~which that~~ must be included in the draft EIR.

(1) The response at a minimum shall identify:

(A) The significant environmental issues and reasonable alternatives and mitigation measures ~~which that~~ the responsible agency will need to have explored in the draft EIR; and

(B) Whether the agency will be a responsible agency or trustee agency for the project.

(2) If a responsible or trustee agency fails by the end of the 30-day period to provide the lead agency with either a response to the notice or a well-justified request for additional time, the lead agency may presume that the responsible agency has no response to make.

(3) A generalized list of concerns not related to the specific project shall not meet the requirements of this section for a response.

(c) Meetings. In order to expedite the consultation, the lead agency, a responsible agency, a trustee agency, or a project applicant may request one or more meetings between representatives of the agencies involved to assist the lead agency in determining the scope and content of the environmental information ~~which that~~ the responsible or trustee agency may require. Such meetings shall be convened by the lead agency as soon as possible, but no later than 30 days, after the meetings were requested. On request, the Office of Planning and Research will assist in convening meetings ~~which that~~ involve state agencies.

(1) For projects of statewide, regional or areawide significance pursuant to Section 15206, the lead agency shall conduct at least one scoping meeting ~~if it has not already done so in accordance with Section 15063(h).~~ The lead agency shall provide notice of the scoping meeting to all of the following:

(A) any county or city that borders on a county or city within which the project is located, unless otherwise designated annually by agreement between the lead agency and the county or city;

(B) any responsible agency

(C) any public agency that has jurisdiction by law with respect to the project;

(D) any organization or individual who has filed a written request for the notice.

(d) State Clearinghouse. ~~When one or more state agencies will be a responsible agency or a trustee agency, the lead agency shall send a notice of preparation to each state responsible agency and each trustee agency with a copy to the State Clearinghouse in the Office of Planning and Research. The State Clearinghouse will ensure that the state responsible and trustee agencies and trustees reply to the lead agency within the required time 30 days of receipt of the notice of preparation by the state responsible and trustee agencies.~~

(e) Identification Number. When the notice of preparation is submitted to the State Clearinghouse, the state identification number issued by the Clearinghouse shall be the identification number for all subsequent environmental documents on the project. The identification number should be referenced on all subsequent correspondence regarding the project, specifically on the title page of the draft and final EIR and on the notice of determination.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21083.9 and 21080.4, Public Resources Code.

15085. Notice of Completion.

- (a) As soon as the draft EIR is completed, a notice of completion must be filed with OPR in a printed hard copy or in electronic form on a diskette or by electronic mail transmission.
- (b) The notice of completion shall include:
 - (1) A brief description of the project,
 - (2) The proposed location of the project (either by street address and cross street, for a project in an urbanized area, or by attaching a **specific** map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name).
 - (3) An address where copies of the draft EIR are available, and
 - (4) The review period during which comments will be received on the draft EIR.
- (c) A sample form for the notice of completion is included in ~~the appendices~~ Appendix L.
- (d) Where the EIR will be reviewed through the state review process handled by the State Clearinghouse, the notice of completion cover form required by the State Clearinghouse will serve as the notice of completion (see Appendix C).
- (e) Public agencies are encouraged to make copies of notices of completion filed pursuant to this section available in electronic format on the Internet.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21161, Public Resources Code.

15087. Public Review of Draft EIR.

(a) The lead agency shall provide public notice of the availability of a draft EIR at the same time it sends a notice of completion to OPR. This public notice shall be given as provided under Section 15105 (a sample form is provided in Appendix L). Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:

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Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21091, 21092, 21092.2, 21092.3, 21092.6, 21104, 21152, 21153 and 21161, Public Resources Code.

15088. Evaluation of and Response to Comments.

(a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

(b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.

~~(c)~~ The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

~~(d)~~ The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:

- (1) Revise the text in the body of the EIR, or
- (2) Include marginal notes showing that the information is revised in the response to comments.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21092.5, 21104, and 21153, Public Resources Code; *People v. County of Kern* (1974) 39 Cal. App. 3d 830; *Cleary v. County of Stanislaus* (1981) 118 Cal. App. 3d 348.

15088.5. Recirculation of an EIR Prior to Certification.

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(f) The lead agency shall evaluate and respond to comments as provided in Section 15088. Recirculating an EIR can result in the lead agency receiving more than one set of comments from reviewers. The following are two ways in which the lead agency may identify the set of comments to which it will respond. This dual approach avoids confusion over whether the lead agency must respond to comments which are duplicates or which are no longer pertinent due to revisions to the EIR. In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.

(1) When ~~an~~ the EIR is substantially revised and the entire document EIR is recirculated, the lead agency may require ~~that~~ reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in ~~within~~ the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR. ~~The lead agency shall send directly to every agency, person, or organization that commented on the prior draft EIR a notice of the recirculation specifying that new comments must be submitted.~~

(2) When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

(3) As part of providing notice of recirculation as required by Public Resources Code Section 21092.1, the lead agency shall send a notice of recirculation to every agency, person, or organization that commented on the prior ~~draft~~ EIR. The notice shall indicate, at a minimum, whether new comments may be submitted only on the recirculated portions of the ~~draft~~ EIR or on the entire ~~draft~~ EIR in order to be considered by the agency.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21092.1, Public Resources Code; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal. 4th 1112.

15094. Notice of Determination.

(a) The lead agency shall file a notice of determination within five⁵ working days after deciding to carry out or approve approval of the project ~~by the lead agency~~. ~~The notice shall include:~~

~~(b) The notice of determination shall include:~~

~~(1) An identification of the project including its common name where possible and it's the project title as identified on the draft EIR, and its the location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name). If the notice of determination is filed with the State Clearinghouse, the State Clearinghouse identification number for the draft EIR shall be provided.~~

~~(2) A brief description of the project.~~

~~(3) The lead agency's name and the date when on which the agency approved the project. If a responsible agency files the notice of determination pursuant to Section 15096(i), the responsible agency's name and date of approval shall also be identified.~~

~~(4) The determination of the agency whether the project in its approved form will have a significant effect on the environment.~~

~~(5) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA.~~

~~(6) Whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.~~

~~(7) Whether findings were made pursuant to Section 15091.~~

~~(8) Whether a statement of overriding considerations was adopted for the project.~~

~~(9) The address where a copy of the final EIR and the record of project approval may be examined.~~

~~(b c) If the lead agency is a state agency is the lead agency, the lead agency shall file the notice of determination shall be filed with OPR within five working days after approval of the project by the lead agency.~~

~~(e d) If the lead agency is a local agency is the lead agency, the local lead agency shall file the notice of determination shall be filed with the county clerk of the county or counties in which the project will be located, within five working days after approval of the project by the lead agency. If the project requires discretionary approval from a any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination shall also be filed with OPR.~~

~~(d e) A notice of determination filed with the county clerk is shall be available for public inspection and shall be posted within 24 hours of receipt for a period of at least 30 days. Thereafter, the clerk shall return the notice to the local lead agency with a notation of the period during which it was posted. The local lead agency shall retain the notice for not less than 9 months.~~

~~(e f) A notice of determination filed with OPR is shall be available for public inspection and shall be posted for a period of at least 30 days.~~

~~(f g) The filing of the notice of determination pursuant to subsection (c) above for state agencies and the filing and posting of such the notice of determination pursuant to subsections (d) and (e) above for local agencies, starts a 30-day statute of limitations on court challenges to the approval under CEQA.~~

~~(h) A sample notice of determination is provided in Appendix D. Each public agency may devise its own form, but any such form shall include, at a minimum, the information required by subsection (b). Public agencies are encouraged to make copies of all notices filed pursuant to this section available in electronic format on the Internet. Such electronic notices are in addition to the posting requirements of the Guidelines and the Public Resources Code.~~

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21108, 21152 and 21167, Public Resources Code; *Citizens of Lake Murray Area Association v. City Council* (1982) 129 Cal. App. 3d 436.

15097. Mitigation Monitoring or Reporting.

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(g) When a project is of statewide, regional, or areawide importance, any transportation information generated by a required monitoring or reporting program shall be submitted to the transportation planning agency in the region where the project is located and to the California Department of Transportation. Each transportation planning agency and the California Department of Transportation shall adopt guidelines for the submittal of such information.

Authority: Sections 21083 and 21087, Public Resources Code. References: Sections 21081.6 and 21081.7, Public Resources Code.

15126.4. Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.

15126.4

[Subsection (a) has been withdrawn from the proposal]

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(b)(3)

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(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

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Authority: Sections 21083 and 21087, Public Resources Code. Reference: Sections 5020.5, 21002, 21003, 21100 and 21084.1, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112; and *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011; ~~*Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374; *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854; and Gov. Code Section 66001.~~

15205. Review by State Agencies.

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(e) ~~The~~ A sufficient number of copies of an EIR, ~~or~~ negative declaration, ~~or mitigated negative declaration,~~ shall be submitted to the State Clearinghouse for review and comment by state agencies. ~~shall not be less than ten unless the State Clearinghouse approves a lower number in advance.~~ The notice of completion form required by the State Clearinghouse must be submitted together with the copies of the EIR and may be submitted together with the copies of the negative declaration **or mitigated negative declaration.** The notice of completion form required by the State Clearinghouse is included in Appendix C. If the lead agency uses the on-line process for submittal of the notice of completion form to the State Clearinghouse, the form generated from the Internet shall satisfy this requirement (refer to www.ceganet.ca.gov).

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Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21083, 21091, 21104, and 21153, Public Resources Code.

15206. Projects of Statewide, Regional, or Areawide Significance.

(a) Projects meeting the criteria in this section shall be deemed to be of statewide, regional, or areawide significance.

(1) A draft EIR or negative declaration prepared by any public agency on a project described in this section shall be submitted to the State Clearinghouse and should be submitted also to the appropriate metropolitan area council of governments for review and comment. The notice of completion form required by the State Clearinghouse must be submitted together with the copies of the EIR and may be submitted together with the copies of the negative declaration. The notice of completion form required by the State Clearinghouse is included in Appendix C. If the lead agency uses the on-line process for submittal of the notice of completion form to the State Clearinghouse, the form generated from the Internet shall satisfy this requirement (refer to www.ceqanet.ca.gov).

[Subsection (c) has been withdrawn from the proposal]

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections ~~21083~~ 21083.9 ~~and~~, Public Resources Code.

15252. Substitute Document.

(a) The document used as a substitute for an EIR or Negative Declaration in a certified program shall include at least the following items:

~~(a)~~1) A description of the proposed activity, and

~~(b)~~2) Either:

~~(4)~~A) Alternatives to the activity and mitigation measures to avoid or reduce any significant or potentially significant effects that the project might have on the environment, or

~~(2)~~B) A statement that the agency's review of the project showed that the project would not have any significant or potentially significant effects on the environment and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. This statement shall be supported by a checklist or other documentation to show the possible effects that the agency examined in reaching this conclusion.

(b) The notice of the decision on the proposed activity shall be filed with the Secretary for Resources.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21080.5, Public Resources Code.

15313. Acquisition of Lands for Wildlife Conservation Purposes.

Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including (a) preservation of fish and wildlife habitat, (b) establishing ecological reserves under Fish and Game Code Section 1580, and (c) preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

15325. Transfers of Ownership in Land to Preserve Existing Natural Conditions and Historical Resources.

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- (a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.
- (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.
- (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.
- (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.
- (e) Acquisition, sale, or other transfer to preserve historical resources.
- (f) Acquisition, sale, or other transfer to preserve open space or lands for park purposes.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21084, Public Resources Code.

15330. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Hazardous Waste or Hazardous Substances.

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

(a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, ~~with the exception of low temperature thermal desorption~~, or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code ~~s~~Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.

(b) Examples of such minor cleanup actions include but are not limited to:

~~(a)~~ (1) Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;

~~(b)~~ (2) Maintenance or stabilization of berms, dikes, or surface impoundments;

~~(c)~~ (3) Construction or maintenance or interim of temporary surface caps;

~~(d)~~ (4) Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;

~~(e)~~ (5) Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;

~~(f)~~ (6) Application of dust suppressants or dust binders to surface soils;

~~(g)~~ (7) Controls for surface water run-on and run-off that meets seismic safety standards;

~~(h)~~ (8) Pumping of leaking ponds into an enclosed container;

~~(i)~~ (9) Construction of interim or emergency ground water treatment systems;

~~(j)~~ (10) Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21084, Public Resources Code.

15333. Small Habitat Restoration Projects.

Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

(a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,

(b) There are no hazardous materials at or around the project site that may be disturbed or removed, and

(c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of **reasonably foreseeable probable** future projects.

(d) Examples of small restoration projects may include, but are not limited to:

(1) revegetation of disturbed areas with native plant species;

(2) wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;

(3) stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;

(4) projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.

(5) stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and

(6) culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or **National Marine-NOAA Fisheries Service**, the primary purpose of which is to improve habitat or reduce sedimentation.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21084, Public Resources Code.

15378. Definition of Project.

...

(b) Project does not include:

- (1) Proposals for legislation to be enacted by the State Legislature;
- (2) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered above);
- (3) The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative. (Stein v. City of Santa Monica (1980) 110 Cal.App.3d 458; Friends of Sierra Madre v. City of Sierra Madre (2001) 25 Cal.4th 165);
- (4) The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
- (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

...

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21065, Public Resources Code; *Kaufman and Broad-South Bay, Inc. v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464; *Fullerton Joint Union High School District v. State Board of Education* (1982) 32 Cal.3d 779; *Simi Valley Recreation and Park District v. Local Agency Formation Commission of Ventura County* (1975) 51 Cal.App.3d 648; and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.

Appendix C.

(The Notice of Completion form required by the State Clearinghouse begins on the following page.)

Appendix C

Notice of Completion

State of California
Office of Planning and Research
1400 Tenth Street, Sacramento, California 95814

Project Title

Project Location — Specific

Project Location — City
County

Project Location —

Description of Nature, Purpose, and Beneficiaries of Project

Lead Agency

Division

Address Where Copy of EIR is Available

Review Period

Contact Person
Extension

Area Code

Phone

Notice of Completion & Environmental Document Transmittal*Appendix C*

For U.S. Mail: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH#

Project Title:

Lead Agency: _____ Contact Person: _____
Street Address: _____ Phone: _____
City: _____ Zip: _____ County: _____

Project Location:

County: _____ City/Nearest Community: _____
Cross Streets: _____ Zip Code: _____
Assessor's Parcel No. _____ Section: _____ Twp. _____ Range: _____ Base: _____
Within 2 miles: State Hwy#: _____ Waterways: _____
Airports: _____ Railways: _____ Schools: _____

Document Type:**CEQA:**

☐ ☐ NOP
☐ ☐ Early
Cons
☐ ☐ Neg Dec
☐ ☐ Mit Neg Dec
☐ ☐ Draft EIR
☐ ☐ Supplement to EIR
☐ ☐ Subsequent EIR
☐ ☐ Other

NEPA:

☐ ☐ NOI
☐ ☐ EA
☐ ☐ Draft EIS
☐ ☐ FONSI

Other:

☐ ☐ Joint Document
☐ ☐ Final
Document
☐ ☐ Other

Local Action Type:

☐ ☐ General Plan Update
☐ ☐ General Plan
Amendment
☐ ☐ General Plan Element
☐ ☐ Community Plan
☐ ☐ Specific Plan
☐ ☐ Master Plan
☐ ☐ Planned Unit
Development
☐ ☐ Site Plan
☐ ☐ Rezone
☐ ☐ Prezone
☐ ☐ Use Permit
☐ ☐ Land Division (Subdivision,
etc.)
☐ ☐ Annexation
☐ ☐ Redevelopment
☐ ☐ Coastal Permit
☐ ☐ Other

Development Type:

☐ ☐ Residential: Units Acres
☐ ☐ Office: Sq.ft. Acres Employees
☐ ☐ Commercial: Sq.ft. Acres
Employees
☐ ☐ Industrial: Sq.ft. Acres
Employees
☐ ☐ Educational
☐ ☐ Recreational
☐ ☐ Water Facilities: Type MGD
☐ ☐ Transportation: Type
☐ ☐ Mining: Mineral
☐ ☐ Power: Type MW
☐ ☐ Waste Treatment:
Type MGD
☐ ☐ Hazardous Waste:
Type
☐ ☐ Other:

Total Acres: (approx.)**Project Issues That May Have A Significant Or Potentially Significant Impact:**

☐ ☐ Aesthetic/Visual
☐ ☐ Agricultural
Land
☐ ☐ Air Quality
☐ ☐ Archeological/Histori
cal
☐ ☐ Biological
Resources
☐ ☐ Coastal Zone
☐ ☐ Drainage/Absorption
☐ ☐ Economic/Jobs
☐ ☐ Fiscal
☐ ☐ Food Plan
Flood Plain/Flooding
☐ ☐ Forest Land/Fire
Hazard
☐ ☐ Geologic/Seismic
☐ ☐ Minerals
☐ ☐ Noise
☐ ☐ Population/Housing
Balance

- | | |
|---|--|
| <input type="checkbox"/> <input type="checkbox"/> <u>Public</u> | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Services/Facilities</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Traffic/Circulation</u> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Recreation/Parks</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Vegetation</u> |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <u>Water Quality</u> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Schools/Universities</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Water</u> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Septic Systems</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Supply/Groundwater</u> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Sewer Capacity</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Wetland/Riparian</u> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Soil Erosion/</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Growth</u> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Compaction/Grading</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Inducement</u> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Solid Waste</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Land Use</u> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Toxic/Hazardous</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Cumulative</u> |
| | <input type="checkbox"/> <input type="checkbox"/> <u>Effects</u> |
| | <input type="checkbox"/> <input type="checkbox"/> <u>Other</u> |

Present Land Use/Zoning/General Plan Designation:

Project Description: *(please use a separate page if necessary)*

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice or Preparation or previous draft document) please fill in.

Revised ~~2003~~ 2004

Reviewing Agencies Checklist*Appendix C.**continued**Lead Agencies may recommend State Clearinghouse distribution by marking agencies below.*

Air Resources Board	Office of Emergency Services
Boating & Waterways, Department of	Office of Historic Preservation
California Highway Patrol	Parks & Recreation
Caltrans District #	Pesticide Regulation, Department of
Caltrans Division of Aeronautics	Public Utilities Commission
Caltrans Planning	Reclamation Board
Coachella Valley Mountains Conservancy	
Coastal Commission	Resources Agency
Colorado River Board	S.F. Bay Conservation & Development
Commission	
Conservation, Department of	San Gabriel & Lower Los Angeles Rivers
Corrections, Department of	& Mountains Conservancy
Delta Protection Commission	San Joaquin River Conservancy
Education, Department of	Santa Monica Mountains Conservancy
Office of Public School Construction	State Lands Commission
Energy Commission	SWRCB: Clean Water Grants
Fish & Game Region #	SWRCB: Water Quality
Food & Agriculture, Department of	
Forestry & Fire Protection	Tahoe Regional Planning Agency
General Services, Department of	Toxic Substances Control, Department of
Health Services, Department of	Water Resources, Department of
Housing & Community Development	
Integrated Waste Management Board	Other:
Native American Heritage Commission	Other:

Local Public Review Period (to be filled in by lead agency)

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable): _____**Applicant:** _____

Consulting Firm: _____

Address: _____

Address: _____

City/State/Zip: _____

City/State/Zip: _____

Phone: (_____) _____

Contact: _____

Phone: (_____) _____

Signature of Lead Agency Representative

Date

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21161, Public Resources Code.

Appendix D.

(The Notice of Determination form begins on the following page.)

Notice of Determination*Appendix D*

Appendix D

NOTICE OF DETERMINATION

To: ☐ Office of Planning and Research

— 1400 Tenth Street, Room 121

— Sacramento, CA 95814

From: (Public Agency)

TO: ☐ Office of Planning and Research**FROM:** Public Agency:

Address:

For U.S. Mail:

Street Address:

P.O. Box 3044

1400 Tenth Street

Contact:

Sacramento, CA 95812-3044

Sacramento, CA 95814

Phone:

☐ County Clerk

County of _____

_____ Lead Agency (if different

from above):

☐ County Clerk

County of: _____

Address: _____

Address: _____

Contact: _____

Phone: _____

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title

Project Title

State Clearinghouse Number
(If submitted to Clearinghouse)

Contact Person

Area Code/Telephone/Extension

Project Location:

Project Location (include county)

Project Description:

Project Description:

This is to advise that the _____ has approved the above described _____ (☐ Lead Agency or ☐ Responsible Agency) project on _____ and has made the following determinations regarding the above described project:
(Date)

1. The project [☐ will ☐ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☐ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☐ was not] adopted for this project.
6. Findings [☐ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at:

Date received for filing and posting at OPR: _____

Signature (Public Agency)

Title

Signature (Public Agency)

Title

Date

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Revised March 1986

Date Received for filing at OPR:

Revised 2003 2004

Authority cited: Sections 21083 and 21087, Public Resources Code.
Reference: Sections 21000-21174, Public Resources Code.

Appendix L.

(The Notice of Completion form for local use begins on the following page.)

Notice of Completion of Draft EIR

Appendix L

Project Title

Project Location – Specific

Project Location – City
Location – County

Project

Description of Nature, Purpose, and Beneficiaries of Project

Lead Agency

Division

Address Where Copy of EIR is Available

Review Period

Contact Person
Extension

Area Code

Phone

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference:
Sections 21092, 21152, and 21153, Public Resources Code.